

PTO/SB/21 (05-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/627,358 **TRANSMITTAL** Filing Date July 25, 2003 **FORM** First Named Inventor Peter Migaly Art Unit (to be used for all correspondence after initial filing) **Examiner Name** Attorney Docket Number 290194-00001 Total Number of Pages in This Submission **ENCLOSURES** · (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) to Group Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to Group Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer Extension of Time Request Identify below): Request for Refund Return Postcard **Express Abandonment Request** CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Individual name Debra Z: ⁄n⁄derson Signature Date February 13, 2004 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Betsy A. Schreck Lety a. Schred Date Feb. 13, 2004 Signature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

COMBINATION THERAPY FOR

PETER MIGALY

DEPRESSION, PREVENTION OF SUICIDE, AND VARIOUS MEDICAL

AND PSYCHIATRIC CONDITIONS

Filed: July 25, 2003

Serial No. 10/627,358

Attorney Docket No.: 290194-00001

## INFORMATION DISCLOSURE STATEMENT

February 13, 2004

Mail Stop PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313

Sir:

Pursuant to the provisions of 37 CFR Sections 1.56, 1.97 and 1.98, Applicant submits herewith copies of the foreign patent document references and non-patent literature document references cited on the attached Forms PTO/SB/08A and PTO/SB/08B for consideration during prosecution of this application. These reference copies were submitted previously under documentation mailed February 11, 2004, to the United States Patent and Trademark Office in which the U.S. Patent Serial Number 10/627,358 was omitted.

This Statement is filed solely for the purpose of complying with the pertinent rules of the Office and is not intended to be a substitute for an independent evaluation by the Examiner of the art cited or an independent search by the Examiner, and no representation of any nature is made or intended by the filing of this Statement.

Respectfull submitted,

Débra Z. Anderson

Registration Number 44,506

Eckert Seamans Cherin & Mellott, LLC

600 Grant Street, 44th Floor

Pittsburgh, Pennsylvania 15219

Telephone: 412-566-1910 Attorney for Applicant

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Complete if Known Substitute for form 1449A/PTO Application Number 10/627,358 INFORMATION DISCLOSURE Filing Date July 25, 2003 STATEMENT BY APPLICANT First Named Inventor Peter Migaly Group Art Unit (use as many sheets as necessary) **Examiner Name** Attorney Docket Number 290194-00001 of Sheet

			U.S. PATENT DO	CUMENTS	
Examiner Initials	Cite No.1	U.S. Patent Docum  Kind C  Number  (if kno	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Examiner Initials	Cite No.1	Office <sup>3</sup>	Foreign Patent Do	Cument Kind Code <sup>5</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T6
	U	wo	99/61027		Eli Lilly and Co	12-02-1999		
	V	EP	0958824A2		Eli Lilly and Co	11-24-1999	,	
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	Υ	wo	01/51041		Laboratorios Ph	07-19-2001		
	Z	wo	01/51040		Laboratorios Ph	07-19-2001		+-
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<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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	Substitu	ite for form 1449A/PTC	)		Complete if Known		
				201 001155	Application Number	10/627,358	
	INF	ORMATION	DI	SCLOSURE	Filing Date	July 25, 2003	
STATEMENT BY APPLICANT					First Named Inventor	Peter Migaly	
					Group Art Unit		
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Ū	Sheet	2	of	3	Attorney Docket Number	290194-00001	

	U.S. PATENT DOCUMENTS								
Examiner Initials	Cite No. <sup>1</sup>	Numbar	cument ind Code <sup>2</sup> if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			
	AA	2002005180	)	Faour et al.	05-02-2002				
	AB	2001004894		Faour et al.	12-06-2001				
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	FOREIGN PATENT DOCUMENTS										
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Substitute	for form 1449	B/PTO		Comp	Complete if Known			
				Application Number	10/627,358			
INFO	RMATI	ON DIS	CLOSURE	Filing Date	July 25, 2003			
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Sheet	3	of	3	Attorney Docket Number	290194-00001			

OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS								
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²						
~	AC	MICHAEL E. THASE, M.D.; "What Role Do Atypical Antipsychotic Drugs Have in Treatment-Resistant Depression?"; The Journal of Clinical Psychiatry; February, 2002; Pages 95-103; 63:2; Physicians Postgraduate Press, Inc., Memphis, Tennessee						
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